



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GENIA GRUER, on behalf of herself and all others similarly situated,	:	MDL Docket No. 1508
Plaintiffs,	:	
-against-	:	Civil Action No.
MERCK-MEDCO MANAGED CARE, L.L.C.,	:	97 Civ. 9167 (CLB)
Defendant. x		
WALTER GREEN, on behalf of himself and all others similarly situated,	:	
Plaintiffs,	:	
-against-	:	Civil Action No.
MERCK-MEDCO MANAGED CARE, L.L.C.,	:	98 Civ. 0847 (CLB)
Defendant. x		
MILDRED BELLOW, on behalf of herself and all others similarly situated,	:	
Plaintiffs,	:	
-against-	:	Civil Action No.
MERCK-MEDCO MANAGED CARE, L.L.C.,	:	98 Civ. 4763 (CLB)
Defendant. x		
MARISSA JANAZZO, as fiduciary for COUNTY LINE BUICK NISSAN EMPLOYEE WELFARE BENEFIT PLAN, on behalf of herself as a fiduciary and all other similarly situated fiduciaries of employee welfare benefit plans,	:	
Plaintiffs,	:	
-against-	:	Civil Action No.
MERCK-MEDCO MANAGED CARE, L.L.C.,	:	98 Civ. 4067 (CLB)
Defendant. x		
ELIZABETH O'HARE, on behalf of herself and all others similarly situated,	:	
Plaintiffs,	:	
-against-	:	Civil Action No.
MERCK-MEDCO MANAGED CARE, L.L.C.,	:	01 Civ. 3805 (CLB)
Defendant. x		

**ORDER APPROVING CERTIFICATION OF A SUBCLASS OF SELF-FUNDED PLANS AND
APPOINTING CENTRAL STATES SOUTHEAST AND SOUTHWEST AREAS HEALTH AND
WELFARE FUND, IRON WORKERS TRI-STATE WELFARE FUND AND SWEETHEART
CUP COMPANY AS SUBCLASS REPRESENTATIVES**

WELFARE FUND, INC.
USDC SDNY
DOCUMENT C
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

WHEREAS, following remand of this case from the Court of Appeals, *see Central States Southeast and Southwest Areas Health & Welfare Fund v. Merck-Medco Managed Care, L.L.C.*, 504 F.3d 229 (2nd Cir. 2007), Central States Southeast and Southwest Areas Health and Welfare Fund, Iron Workers Tri-State Welfare Fund and Sweetheart Cup Company (collectively, the Self-Funded Plans), moved pursuant to Rule 23(c)(4)(B), Fed.R.Civ.P., for (1) certification of a discrete ~~settlement~~ subclass consisting solely of self-funded employee health and welfare benefit plans, and (2) appointment of the Self-Funded Plans as the representatives of that subclass and their attorneys as subclass counsel; and the Court having read and considered the Self-Funded Plans' motion, memorandum of law and supporting exhibits; and the Self-Funded Plans' motion being unopposed by plaintiffs or defendants;

NOW, THEREFORE, IT IS HEREBY ORDERED, this 17th day of March, 2008, that:

1. Pursuant to Rule 23(d)(4)(B), Fed.R.Civ.P., a subclass is hereby certified consisting exclusively of self-funded employee health and welfare benefit plans.
2. The Court finds that the prerequisites of Rule 23(d)(4)(B), Fed.R.Civ.P., for this subclass have been satisfied in that: (a) the number of subclass members is so numerous that joinder of all such members is impracticable; (b) there are questions of law and fact common to the subclass; (c) the claims of the

named subclass representatives are typical of the claims of the subclass they seek to represent; (d) the Self-Funded Plans will fairly and adequately represent the interests of the subclass; (e) the questions of law and fact common to the members of the subclass predominate over any questions affecting only individual members of the subclass; and (f) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

3. Pursuant to Rule 23, Fed.R.Civ.P., Central States Southeast and Southwest Areas Health and Welfare Fund, Iron Workers Tri-State Welfare Fund and Sweetheart Cup Company are hereby certified as subclass representatives and their attorneys as subclass counsel.

4. The Court retains exclusive jurisdiction over the Action to consider all further matters arising out of the Settlement or Allocation of the Settlement Fund.

Dated: White Plains, New York
March 17, 2008

Charles R. Breyer
UNITED STATES DISTRICT JUDGE

B R I E A N T S C H U L L E R & F L E X N E R L L P

333 MAIN STREET • ARMONK, NY 10504 • PH. 914.749.8200 • FAX 914.749.8300

March 12, 2008

VIA FACSIMILE AND FEDERAL EXPRESS

The Honorable Charles L. Brieant
United States District Judge
United States Courthouse
300 Quarropas Street, Room 275
White Plains, NY 10601-4150

Re: Merck-Medco Managed Care Litigation

Dear Judge Brieant:

Pursuant to the conference with the Court this morning, enclosed please find the corrected revised Order Approving Certification of a Subclass of Self-Funded Plans and Appointing Central States Southeast and Southwest Areas Health and Welfare Fund, Iron Workers Tri-State Welfare Fund and Sweetheart Cup Company as Subclass Representatives.

Sincerely,



Edward Normand

Enclosure

cc w/ enc.: Arthur N. Abbey, Esq. (via facsimile)
Karin E. Fisch, Esq. (via facsimile)
Kenneth Ross, Esq. (via facsimile)